

#3

**DECLARATION AND POWER OF ATTORNEY**

(Attorney Docket No: 107.823.129)

As below-named inventors, We hereby declare that:

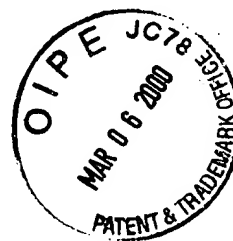
Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**THERAPEUTIC COMPOSITIONS THAT ALTER THE IMMUNE RESPONSE**

the specification of which (check only one):

- ☐ is attached hereto.
- ☒ was filed as United States Patent Application  
Serial No. 09/376,604  
on August 18, 1999  
and was amended on \_\_\_\_\_  
(if applicable)
- ☐ was filed as PCT Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_  
(if applicable)



We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b). We also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(a):**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)
PCT	PCT/IB96/00461	May15, 1996	Yes
PCT	PCT/IB99/01114	June 15, 1999	Yes

We hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
08/913,290	June 16, 1997	pending
09/094,598	June 15, 1998	abandoned
09/152,698	September 2, 1998	pending

**POWER OF ATTORNEY:** As named inventors, We hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James B. Lampert	Reg. No. 24,564
Wayne M. Kennard	Reg. No. 30,271
Michael J. Bevilacqua	Reg. No. 31,091
Holly L. Baker	Reg. No. 31,321
Henry N. Wixon	Reg. No. 32,073

Donald R. Steinberg	Reg No. 37,241
Wayne A. Keown, Ph.D.	Reg. No. 33,923
Ann-Louise Kerner, Ph.D.	Reg. No. 33,523
Michael A. Diener	Reg. No. 31,122
Colleen Superko	Reg. No. 39,850
Richard Goldenberg	Reg. No. 38,895
Peter M. Dichiaro	Reg No. 38,005
Scott M. Alter	Reg. No. 39,850
Barbara A. Barakat	Reg. No. 32,190
Edward D. Grieff	Reg. No. 38,898
Jason A. Reyes	Reg. No. 41,513
Rajesh Vallabh	Reg. No. 35,761
Nancy Chiu, Ph.D.	Reg. No. 43,545
Keum J. Park	Reg. No. 42,059
Janice M. Klunder, Ph.D.	Reg. No. 41,121

the mailing address and telephone number of each of whom is HALE AND DORR, 60 State Street, Boston, Massachusetts 02109, (617) 526-6000.

Send Correspondence to:  
Nancy Chiu, Ph.D.

Direct Telephone Calls to:  
Nancy Chiu, Ph.D.

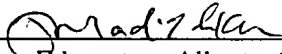
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109

(617) 526-6000  
(617) 526-5000

Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe our names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

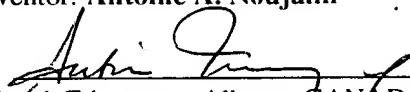
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Ragupathy Madiyalakan**

Inventor's signature  Date Feb 10, 00  
Residence: 9741-89 Avenue, Edmonton, Alberta, CANADA T6E 2S1  
Citizenship: Citizen of Canada  
Post Office Address: 9741-89 Avenue, Edmonton, Alberta, CANADA T6E 2S1

Full name of second inventor: **Antoine A. Noujaim**

Inventor's signature



Date

*Feb. 22, 2000*

Residence: 58 Wilkin Road, Edmonton, Alberta, CANADA T6M 2K4

Citizenship: Citizen of Canada

Post Office Address: 58 Wilkin Road, Edmonton, Alberta, CANADA T6M 2K4

Full name of third inventor: **Birgit Schultes**

Inventor's signature

Date

Residence: 6234 Lexington Ridge Drive, Lexington, Massachusetts 02421

Citizenship: Citizen of Germany

Post Office Address: 6234 Lexington Ridge Drive, Lexington, Massachusetts 02421

Full name of fourth inventor: **Richard Baum**

Inventor's signature

Date

Residence: Bergweg No. 4, 55595, Hargesheim, GERMANY

Citizenship: Citizen of Germany

Post Office Address: Bergweg No. 4, 55595, Hargesheim, GERMANY

Full name of second inventor: **Antoine A. Noujaim**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 58 Wilkin Road, Edmonton, Alberta, CANADA T6M 2K4

Citizenship: Citizen of Canada

Post Office Address: 58 Wilkin Road, Edmonton, Alberta, CANADA T6M 2K4

Full name of third inventor: **Birgit Schultes**

Inventor's signature B. Schultes Date Feb. 16/2000

Residence: 6234 Lexington Ridge Drive, Lexington, Massachusetts 02421

Citizenship: Citizen of Germany

Post Office Address: 6234 Lexington Ridge Drive, Lexington, Massachusetts 02421

Full name of fourth inventor: **Richard Baum**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Bergweg No. 4, 55595, Hargesheim, GERMANY

Citizenship: Citizen of Germany

Post Office Address: Bergweg No. 4, 55595, Hargesheim, GERMANY

FEB 24 2000 10:43 FR HALE AND DORR LLP

TO 33333#107823\*129 P.07

# 3

**DECLARATION AND POWER OF ATTORNEY**  
(Attorney Docket No: 107.823.129)

As below-named inventors, We hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**THERAPEUTIC COMPOSITIONS THAT ALTER THE IMMUNE RESPONSE**

the specification of which (check only one):

- ☐ is attached hereto.
- ☒ was filed as United States Patent Application  
Serial No. 09/376,604  
on August 18, 1999  
and was amended on \_\_\_\_\_  
(if applicable)
- ☐ was filed as PCT Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b). We also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:



FEB 24 2000 10:43 FR HALE AND DORR LLP

TO 333334107823\*129 P.08

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(u):**

COUNTRY (If PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)
PCT	PCT/IB96/00461	May 15, 1996	Yes
PCT	PCT/IB99/01114	June 15, 1999	Yes

We hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/00B attached hereto.

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
08/913,290	June 16, 1997	pending
09/094,598	June 15, 1998	abandoned
09/152,698	September 2, 1998	pending

**POWER OF ATTORNEY:** As named inventors, We hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James B. Lampert	Reg. No. 24,564
Wayne M. Kennard	Reg. No. 30,271
Michael J. Bevilacqua	Reg. No. 31,091
Holly L. Baker	Reg. No. 31,321
Henry N. Wixon	Reg. No. 32,073

FEB 24 2000 10:43 FR HALE AND DORR LLP

TO 35334107823\*129 P.09

Donald R. Steinberg	Reg. No. 37,241
Wayne A. Keown, Ph.D.	Reg. No. 33,923
Ann-Louise Kerker, Ph.D.	Reg. No. 33,523
Michael A. Dicner	Reg. No. 31,122
Colleen Superko	Reg. No. 39,850
Richard Goldenberg	Reg. No. 38,895
Peter M. Dichiera	Reg. No. 38,005
Scott M. Alter	Reg. No. 39,850
Barbara A. Barakat	Reg. No. 32,190
Edward D. Grief	Reg. No. 38,898
Jason A. Reyes	Reg. No. 41,513
Rajesh Vallabh	Reg. No. 35,761
Nancy Chiu, Ph.D.	Reg. No. 43,545
Keum J. Park	Reg. No. 42,059
Janice M. Klunder, Ph.D.	Reg. No. 41,121

the mailing address and telephone number of each of whom is HALE AND DORR, 60 State Street, Boston, Massachusetts 02109, (617) 526-6000.

Send Correspondence to:  
Nancy Chiu, Ph.D.

Direct Telephone Calls to:  
Nancy Chiu, Ph.D.

HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109

(617) 526-6000  
(617) 526-5000

Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe our names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Ragupathy Madiyalakan**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 9741-89 Avenue, Edmonton, Alberta, CANADA T6E 2S1  
Citizenship: Citizen of Canada  
Post Office Address: 9741-89 Avenue, Edmonton, Alberta, CANADA T6E 2S1



FEB 24 2000 10:44 FR HALE AND DORR LLP

TO 35333#107823\*129 P.10

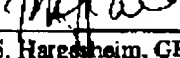
Full name of second inventor: Antoine A. Noujaim

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 58 Wilkin Road, Edmonton, Alberta, CANADA T6M 2K4  
Citizenship: Citizen of Canada  
Post Office Address: 58 Wilkin Road, Edmonton, Alberta, CANADA T6M 2K4

Full name of third inventor: Birgit Schultes

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 6234 Lexington Ridge Drive, Lexington, Massachusetts 02421  
Citizenship: Citizen of Germany  
Post Office Address: 6234 Lexington Ridge Drive, Lexington, Massachusetts 02421

Full name of fourth inventor: Richard Baum

Inventor's signature  Date Feb. 24th, 2000  
Residence: Bergweg No. 4, 55595, Hargesheim, GERMANY  
Citizenship: Citizen of Germany  
Post Office Address: Bergweg No. 4, 55595, Hargesheim, GERMANY

#3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 107.823.129)

Applicant or  
Patentee: Madiyalakan, Ragupathy et al.

Serial No. 09/376,604

Filed or  
Issued: August 18, 1999

For: THERAPEUTIC COMPOSITIONS THAT ALTER THE IMMUNE SYSTEM



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **AltaRex Corp.**  
ADDRESS OF SMALL BUSINESS CONCERN: Campus Tower, Suite 300  
8625-112 Street  
Edmonton, Alberta T6G 2E1  
CANADA

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third part or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

**THERAPEUTIC COMPOSITIONS THAT ALTER THE IMMUNE SYSTEM**

by the inventors, Ragupathy Makiyalakan, Antoine A. Noujaim Birgit Schultes, and Richard Baum, described in

- ☐ the specification filed herewith
- ☒ Application Serial No. 09/376,604, filed August 18, 1999.
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ Individual                      ☐ Small Business Concern                      ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

Edward M. Fitzgerald  
NAME OF PERSON SIGNING

Senior Vice President and Chief Financial Officer  
TITLE IN ORGANIZATION

303 Wyman Street, Suite 125, Waltham, MA 02451  
ADDRESS OF PERSON SIGNING

Edward M. Fitzgerald  
Signature

Date: 2/9/2000